IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Revision No. 373 of 2001
(Old No. 181 of 1996)

Shyam Singh, S/o Sri Sher Singh
R/o Village Agar
Patti Digtoli
District Pithoragarh

….Applicant /
Revisionist

Versus

State of U.P. …. Opposite Party

Hon'ble B.C. Kandpla, J.

This is a transferred revision from Allahabad High Court.

The notice was issued to the revisionist and record shows that the revisionist has been served personally.

The case was called out repeatedly. None has appeared on behalf of revisionist.

The fact of the case are that the chargesheet was submitted against the revisionist Shyam Singh under Section 379/411 I.P.C. and the accused Shyam Singh was tried. Thereafter, learned trial court vide its judgment and order dated 04.07.1995 was of the view that the revisionist Shyam Singh was entitled to be acquitted for the charge under Section 379 I.P.C. However, the revisionist was found guilty for having committed the offence under Section 411 I.P.C. The trial court accordingly sentenced the revisionist for two months imprisonment and Rs. 1500/- (Rupees Fifteen hundred only) fine, and in default of payment of fine two months simple imprisonment under Section 411 Cr.P.C.

The appeal was preferred against the aforesaid judgment and the learned Sessions Judge, Pithoragarh vide his judgment

and order dated 01.02.1996 dismissed the appeal and confirmed the judgment and order passed by the trial court.

Feeling aggrieved by the aforesaid impugned judgment in the appeal the accused preferred the revision before the Allahabad High Court which has been transferred to this Court after creation of Uttaranchal, for disposal.

I heard learned A.G.A. and perused the record. The judgment passed by the appellate court reveals that the stolen property belongs to the Forest Department. It also reveals that there is no documents/evidence available on the record showing the sanction of the Forest Department with regard to the trees in question. Hence it is quite clear that the wood was removed from the jungle without having any permission of the Forest Department. It is quite clear that the revisionist dishonestly received or retained the stolen property knowing or having reason to believe the same to be stolen property.

I do not fine any illegality and impropriety or error of jurisdiction in the order passed by the court below.

On the reason stated above I am of the view that the present revision being devoid of merit is liable to be dismissed.

Accordingly, the revision is dismissed. The interim order dated 19.02.1996 stand vacated.

(B.C. Kandpal, J.)

16.07.2004
ASWAL